

OGC HAS REVIEWED.

6 February 1951

MEMORANDUM FOR THE FILES:

SUBJECT: Separation Allowances

1. A subsidiary question in the general problem of granting separation allowances arose in the case of an employee legally divorced from his wife, who wished to claim the allowance for his minor daughter.

2. Since the basis of the allowance is additional expense to the employee in maintaining his wife and minor children elsewhere than in the country of his assignment, because of certain conditions beyond the control of the employee (including those "in the interest of the Government"), it appeared that he would not be entitled to the allowance when a separation was established at the volition or for the convenience of the employee. A voluntary separation between man and wife would clearly fall within this class. The intermediate zone would be those cases of divorce a mensa et thoro. At the other end of the scale are those situations where a final divorce decree is granted. To the extent that the employee is entitled to custody of the minor children by legal sanction, it appeared that he would be entitled to a separation allowance prorated to the extent of custody.

3. The above interpretation was verified as to practice which is currently enforced by the State Department.

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